

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:11-cv-00406-W**

**MERIDIAN LABORATORY  
CORPORATION,**

**Plaintiff,**

**vs.**

**HONORABLE KATHLEEN SEBELIUS,  
SECRETARY, U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,**

**Defendants.**

**ORDER**

THIS MATTER is before the Court *sua sponte* on the pending motions for summary judgment before the Court. The Court hereby requests the parties to provide supplemental briefing to the Court on two issues: 1) the applicability of 42 U.S.C. § 1395ff(d)(2)(B); and 2) the applicability of the recent case of Almy v. Sebelius, 679 F.3d 297 (4th Cir. 2012). The parties shall file briefs no longer than 2,000 words by noon on Tuesday, July 10, 2012.

IT IS SO ORDERED.

Signed: June 28, 2012



Frank D. Whitney  
United States District Judge

